

MEMORANDUM

To: Social Security Advisory Board
Subject: July 23 NCSSMA Conference Call Summary
Date: July 24, 2015

This memo includes a staff summary of the July 23, 2015 conference call with the National Council of Social Security Management Associations (NCSSMA) regarding representative payees. During the call, NCSSMA representatives outlined several problems and challenges they experience in the field office level, as well as several potential solutions.

NCSSMA Participants:

Rick Warsinskey, NCSSMA President, District Manager, Cleveland Downtown (Ohio)
Marjorie Cooke, Operations Supervisor, Shreveport, Louisiana
Chris Detzler, District Manager, Portland, Oregon
Shane Gibson, Assistant District Manager, Denton, Texas
Michael Glunt, District Manager, Parkersburg, West Virginia
Elizabeth Leeds, District Manager, West Toledo (Ohio)
David Lescarini, District Manager, McMinnville, Tennessee
Mary Lynch, Staff Assistant, Hartford, Connecticut
Michael McHugh, Operations Supervisor, Toledo Downtown (Ohio)
Michael Pagan, Operations Supervisor, Cleveland Downtown (Ohio)
Susan Touns, Operations Supervisor, Baton Rouge, Louisiana
Rachel Emmons, NCSSMA Washington Representative

Advisory Board Participants:

Henry Aaron, Chair
Dorcas Hardy
Bernadette Franks-Ongoy

SSAB Staff:

Jackie Chapin
Jeremy Elder
Teron Gorham

Representative Payee Issues – the Field Office’s Perspective

Field Office Training and Consistent Guidelines

During the call, NCSSMA representatives agreed that making the decision to appoint someone a rep payee was a difficult one, and that better training and more consistent policy guidance on procedures is needed. We heard that the capability decision is based on one employee’s assessment, and is not reviewed by anyone else. We also heard that capability determination procedures differ from office-to-office and can change over time. One NCSSMA representative noted a culture shift in his particular office; he stated that in the past, his office appointed too many rep payees based on weak evidence, and now they appoint too few rep payees using too strict a standard of capability.

We heard of advocacy groups pressuring SSA employees to assign rep payees to homeless individuals – even those who do not need a payee – in order to ensure that housing was paid for, even when the homeless person had made the decision to not pay for a home. We also heard that nursing homes will automatically file to be rep payee even when there are other potential payees higher on the priority list, in order to ensure their bills are paid in a timely manner. One NCSSMA representative stated that the decision to appoint a payee should not be based on “convenience” and that the beneficiary’s legal rights should be more clearly outlined in policy guidance and training.

Although agency policy requires employees to presume that a beneficiary is capable (except when declared legally incompetent by a court of law or beneficiaries under the age of 15), there was general agreement among NCSSMA membership that there is a need to work on agency culture to ensure rep payees are only appointed after sufficient evidence of incapability is found (and documented). We heard that there is too much discretion on the part of SSA employees and a suggestion that a checklist should be used, noting that the legal rights of the beneficiaries should be more clearly outlined in policy guidelines and training. Within the past few years, the lower graded position of service representative was given the added duty of making representative payee decisions. Bernie emphasized that finding a person incapable takes away the beneficiary’s legal right to control their own money.

Dorcas asked their opinions on the idea that SSA contract out its rep payee obligations, much like it currently does for the monitoring of organizational payees with Protection and Advocacy (P&A) organizations. One participant said that it might work if it was put into the hands of professionals, such as psychologists or social workers. Another emphasized that it was a “fact of life” that this responsibility belongs to SSA.

Oversight and Monitoring

NCSSMA members generally agreed that some payees (particularly the larger organizational payees) should be investigated by outside experts and auditors because SSA employees do not have the training and resources to sufficiently monitor.

Regarding allegations of misuse, we heard that SSA must address and document any complaint they receive. If benefit misuse is found, SSA must forward the case to the Office of Inspector General (OIG), but the OIG rarely prosecutes payees. When they do prosecute, SSA will establish standard debt collection procedures. However, it was reported that many debts go unpaid – one particular NCSMMA member noted that in the five years at his particular office, less than 10% of all rep payee debts were ever paid. If it is found that the misuse stemmed from SSA negligence in its decision to appoint a rep payee, the beneficiary can receive his or her lost benefits in advance of collection from the rep payee.

With the impending growth in demand for rep payees due to the aging of the baby boomers, the agency's workload pressures will undoubtedly increase, according to NCSSMA. For example, it takes roughly 1.7 million hours for SSA employees to send and process the annual rep payee accounting forms – a major drain on the agency's resources. Non-responders can take several months to track down – further adding to workload constraints. It was argued that the form itself does not contain nearly enough information on whether the beneficiary's money is being used properly. It was suggested by NCSSMA that, at the very least, the following question be added to the form: "Do you feel that this person still needs a representative payee?" NCSSMA members believed that the larger the organization, the more likely they were to be unable to fulfill their duties well. NCCSMA also suggested that the agency scale back on the accounting forms; specifically, they proposed that parents should not have to file the forms for their own children.

Collaboration with Other Agencies & Components

It was asked whether collaboration with other agencies also serving SSA beneficiaries was possible. NCSSMA members noted that beneficiaries often receive benefits from multiple programs, particularly food stamps, Medicaid, and VA benefits. If it is found that the beneficiary has a payee in another program, it is used as a factor in the decision but is not determinative.

NCSSMA members also discussed difficulties in collaborating with other components within SSA itself. We heard that employees sometimes over-rely on the DDS and ALJs directives to develop capability, and do not develop further. NCSSMA members explained that sometimes, upon a face-to-face interview, they may discover that there are no better candidates and the FO may decide not to appoint a rep payee for that beneficiary. How often the DDS or ALJ decision is overridden at the field office is based on the culture of the specific field office.

Rep Payee Systems Issues

NCSSMA representatives explained that SSA currently utilizes three separate systems for rep payees:

- the Representative Payee System (RPS) – used for rep payee appointments,
- the Electronic Representative Payee Accounting (ePRA) – used for accounting, and
- the Electronic Representative Payee System (eRPS) – used for misuse reporting

They agreed that, while the web-based eRPA system generally works well, the RPS and eRPS systems are very poor and lack functionality and automation. For example, the RPS system still relies on the antiquated COBOL system. Further, while eRPS is the newest of the three, NCSSMA members believed it to be the worst. Handling and documenting misuse cases can take weeks to months to file, and can take years until beneficiaries receive any restitution.

NCSSMA Suggestions

Before concluding the meeting, NCSSMA members stated that the organization's two official suggestions regarding rep payees are:

- 1) Only those needing a legal guardian (due to a finding of legal incompetence) and minors, should have appointed rep payees, and
- 2) Rep payee appointment decisions should require signatures from management, as a way to increase oversight.

At the end of the meeting, Dorcas invited NCSSMA representatives to participate in our planned October representative payee symposium.